

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Harry Tiotantra et al.

Appln. No.: 10/826,021

Filed : April 16, 2004

For : DATA STREAMING SYSTEM WITH
ENVIRONMENTAL SENSOR

Docket No.: S104.12-0088 / STL 11607.00

Appeal No. _____

Group Art Unit: 2115

Examiner: Albert C. Wang

APPELLANT'S REPLY TO EXAMINER'S ANSWER

**FILED
ELECTRONICALLY
July 1, 2008**

Mail Stop Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This APPELLANT'S REPLY is in response to the EXAMINER'S ANSWER
mailed on May 2, 2008.

REMARKS

This APPELLANT'S REPLY is in response to the EXAMINER'S ANSWER mailed on May 2, 2008.

Paragraphs (1)-(8), (11) of Examiner's Answer

The appellant has no reply comments related to Paragraphs (1)-(8), (11) of the EXAMINER'S ANSWER.

Paragraphs (9)-(10) Grounds of Rejection, Response to Argument

The Examiner indicated that the grounds for rejection of Claims 1-27 under on 35 USC 103(a) were based on Hodge US 2004/0252397 in view of Millikan et al US 6,928,039.

As per Claim 1, the Examiner suggested that Hodge teaches:

A data streaming system, comprising: a data storage device providing an intermittent read data stream; the data storage device also including an environment sensor; and a data streaming buffer circuit receiving the intermittent read data stream, providing a buffer data stream.

As per Claim 1, the Examiner suggested that Millikan et al teaches:

comparing time-to-fill and time-to-exhaust estimates to control energization of a data storage device.

The Examiner suggested that Claim 1 would have been obvious from combining Millikan's comparing with Hodge's data streaming system, as time-to-fill and time-to-exhaust values are inherently related when buffer underflow will occur."

Appellant asserts that Claim 1 would not have been obvious because Claim 1 includes limitations that are not taught or suggested in either Hodge or Millikan et al.

Claim 1 includes a limitation to the data streaming buffer circuit generating a time-to-exhaust estimate. Neither Hodge nor Millikan et al., taken singly or in combination, teach or suggest that a time-to-exhaust estimate is generated by a data streaming buffer circuit as claimed in Claim 1.

Milliken et al. discloses at Col. 4, lines 6-8 that "CD player 20 may be placed in a reduced power state if the cached audio playback time is greater than the CD player reset time." Appellant asserts that Milliken's "CD player reset time" is clearly not the same thing as a time-to-fill estimate as recited in Claim 1. A "CD player reset time" suggests a fixed time, but the "time-to-fill estimate" of Claim 1 is taught by Appellant to be a variable time, as illustrated for example in Appellant's FIG. 3.

Claim 1 includes a limitation to a comparator output coupling to the data storage device to control energization of the data storage device. Neither Hodge nor Millikan et al., taken singly or in combination, teach or suggest the limitation to a comparator output coupling to the data storage device to control energization of the data storage device. The reference at col. 4, lines 25-54 of Millikan et al. to placing a CD loader in a reduced power state is not the same thing as controlling energization of a data storage device as claimed in Claim 1.

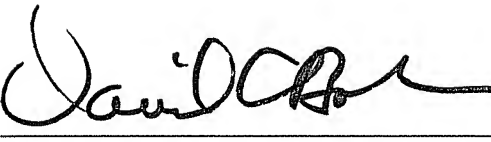
The combination of Hodge and Milliken et al. suggested by the Examiner fails to include teaching or suggestion of: a data streaming buffer circuit that generates a time-to-exhaust estimate, fails to include a comparator comparing a time-to-fill and a time-to-exhaust estimate, and also fails to include the comparator controlling energization of the data storage device.

Claim 1, as well as dependent Claims 2-14 are thus believed to be allowable. The Examiner suggested that method Claims 15-23 and data streaming system Claims 24-27 are rejected for essentially the same reasons as Claims 1-14. Claims 15-23 and Claims 24-27 are believed to be allowable along with Claims 1-14.

The application appears to be in condition for allowance and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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